



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/729,984	12/05/2000	Yisroel Lefkowitz	600474-003	8696

61834 7590 07/06/2007  
DREIER LLP  
499 PARK AVE  
NEW YORK, NY 10022

EXAMINER
----------

ALVAREZ, RAQUEL

ART UNIT	PAPER NUMBER
----------	--------------

3622

MAIL DATE	DELIVERY MODE
-----------	---------------

07/06/2007

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

**Application No.**

09/729,984

**Applicant(s)**

LEFKOWITZ, YISROEL

**Examiner**

Raquel Alvarez

**Art Unit**

3622

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 12 June 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1,2,4-12,14-20 and 85-110 is/are pending in the application.
- 4a) Of the above claim(s) 86-95 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-2, 4-12, 14-19, 85 and 96-110 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date: \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

### DETAILED ACTION

1. This office action is in response to communication filed on 6/12/2007.
2. Restriction to one of the following inventions is required under 35 U.S.C. 121:
  - I. Claims 1-2, 4-12, 14-19, 85 and 96-110 drawn to offering to sell to a customer an international ticket and a duty free item from a single merchant, classified in class 705, subclass 27.
  - II. Claims 86-95, drawn to purchasing a plurality of international travel tickets and a plurality of duty free items from a third party, classified in class 705, subclass 27.
3. The inventions are distinct, each from the other because of the following reasons:

Inventions I and II are related as subcombinations disclosed as usable together in a single combination. The subcombinations are distinct from each other if they are shown to be separately usable. In the instant case, invention I has separate utility such as requiring the customer to buy the international travel tickets and duty free items from one merchant in one transaction. Invention II has a separate utility such as purchasing a plurality of international tickets and duty free items from a third party. See MPEP § 806.05(d).
4. On 6/12/2007, Applicant's representative elected Group I, consisting of claims 1-2, 4-12, 14-19, 85 and 96-110.

### **Claim Rejections - 35 USC § 103**

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

**6. Claims 1-2, 4-5, 7-12, 14, 15, 17-19, 85, 85, 96-110 are rejected under 35 U.S.C. 103(a) as being unpatentable over Walker et al. (6,847,965 hereinafter Walker) in view of Business Wire "Air France Corrects and Replaces Previous Announcement', hereinafter Air France.**

Walker teaches offering to sell to a customer at least one specific item at an offering price (i.e. using input device 306, the customer remotely order a first item from a merchant)(see figure 1);

in conjunction with said offer to sell said specific first item at said offering requiring said customer to select as part of a single transaction at least one second item to be selected from a group of one or more second items, said offer to sell said second item and said offer of at least one second item being made over a computer network from a single merchant (i.e. as part of the order of the first item, the customer is required to select from a plurality of complementary items that he is entitled to receive free of charge for making the purchase of the first item. The complimentary item is added to the single transaction free of charge)(Figure 3, 328 and col. 13, lines 47-54);

said merchant acknowledging said customer decision to purchase said at least one specific first item and said at least second item, the acknowledgment being made over said computer network (see figure 1);

said merchant accepting payment over said computer network from said customer for said first item (figure 15B, step 1566);

said merchant delivering the first item to said customer (figure 16A, step 1604);

said merchant advising said customer of the method of delivery of said at least second item to said customer, said method of delivery being connected to said customer engaging in the first item (i.e. the customer is delivered both ordered items at step 1604).

With respect to the first item being an international travel ticket and the second item being a duty free item. Air France teaches customer purchasing an international ticket being offered discounts for duty free items. It would have been obvious to a person of ordinary skill in the art at the time of Applicant's invention to have included in the invention of Walker international tickets and duty free items in order to motivate customer to buy international flights.

**7. Claims 6, 16, are rejected under 35 U.S.C. 103(a) as being unpatentable over Walker in view of Air France further in view of Ong-Yeoh "Golden Boutique Set to Boost MAS Revenue", hereinafter Ong-Yeoh .**

Ong-Yeoh teaches advising the customer that the duty free items will be delivered to the customer at one of an international port of departure ("pre-order business where passengers can purchase their tickets and duty free items to be delivered at the airport). It would have been obvious to one having ordinary skill in the art at the time of the invention to have advised the customer of item delivery as in Ong-Yeoh in the system of Walker since the item delivery would have been adopted for the

intended use of the pre-order business of Walker at least where the ticket and item inspection verifies eligibility of the duty free item.

**Response to Arguments**

8. Applicant's arguments with respect to claims 1-2, 4-5, 6-12, 14-19, 85, 85, 96-110 have been considered but are moot in view of the new ground(s) of rejection.

**Point of contact**

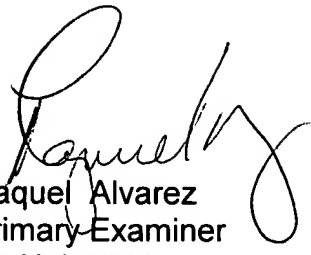
9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Raquel Alvarez whose telephone number is (571)272-6715. The examiner can normally be reached on 9:00-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Eric w. Stamber can be reached on (571)272-6724. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Application/Control Number: 09/729,984  
Art Unit: 3622

Page 6



Raquel Alvarez  
Primary Examiner  
Art Unit 3622

R.A.  
6/19/2007